

DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
Ipswich School District
Accountability Review - Monitoring Report 2010-2011

Team Members: Chris Sargent, Team Leader; Donna Huber, Penny McCormick-Gilles, Rita Pettigrew, Cindy Kirschman

Dates of On Site Visit: January 25th, 2011

Date of Report: April 12, 2011

3 month update due: July 12, 2011

Date Received:

6 month update due: October 12, 2011

Date Received:

9 month update due: January 12, 2012

Date Received:

Closed:

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
 - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
 - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order

agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

1. GENERAL SUPERVISION

(Statement of non-compliance from report of October 15th, 2003)

ARSD 24:05:17:03. Annual report of children served.

The review team was unable to verify that services were being provided to one student listed on the district's 2002 child count. Interview also confirmed there was not an IEP in effect on December 2nd of 2002 for this student. The Department of Education will withhold from the district the Individual with Disability Act (IDEA) federal funds for the misclassified student.

Follow-up: January 25th, 2011

Finding: NONE

The district had an IEP in effect on December 1, 2010 for all students reported on child count.

2. GENERAL SUPERVISION

(Statement of non-compliance from report of October 15th, 2003)

ARSD 24:05:22:03 Certified Child

ARSD 24:05:22:04:01 Services to Children Ages 3-21

Through a student file review and interviews with district staff, the monitoring team determined there is a student on child count who is not being provided special education services in accordance with state requirements. Issues identified were: no prior notice/consent found for the child's initial evaluation in Jan-Feb 2001, no functional assessment was found to be a part of the 2001 evaluation, no documentation found to support committee determination of the disability, no parent consent for initial placement, lapses in annual review date 2-27-01 to 10-29-02, present IEP lacking information regarding present levels of performance, goal and objectives, missing IEP modification page, extended school year noted on the present IEP that they would meet to determine service on 5-15-03; district staff indicated a meeting did not take place, and no special education program is in place for the child, only related services.

Follow-up: January 25th, 2011

Finding: Refer to General Supervision #9.

3. GENERAL SUPERVISION

(Statement of non-compliance from report of October 15th, 2003)

ARSD 24:05:05:06 Reevaluations

Reevaluation must be conducted at least every three years or if conditions warrant or the child's parent or teacher requests an evaluation. Interviews with staff indicated that they were not certain of the three-year reevaluation timeline. There was uncertainty among them as to what dates mark the beginning and ending date of the three-year reevaluation. File reviews by staff and the monitoring team supported that the timeline for reevaluation was not consistently followed for three-year reevaluations.

Follow-up: January 25th, 2011

Finding:

Timelines continue to be an area of concern. The three year evaluation timeline was exceeded for three students. The annual review timeline was exceeded for one student. The 25 school day evaluation timeline was exceeded for one student and evaluation procedures were initiated prior to the receipt of consent for one student.

Corrective Action:

Data submitted for General Supervision #9 will be used to verify correction to this issue.

4. GENERAL SUPERVISION

(Statement of non-compliance from report of October 15th, 2003)

ARSD 24:05:30:17 Consent

Informed parental consent must be obtained before initial placement of a child in a program providing special education or special education and related services. The district review of student files indicated consent for initial placement was not obtained in 25% of the files reviewed. File reviews and interviews with staff conducted by monitoring team indicated consent was not consistently obtained when a child qualified for only speech/language services. Interviews with the speech therapist and special education director indicated they were recently made aware of this oversight and requirement; however, documentation was not available to support the correction.

Follow-up: January 25th, 2011

Finding: NONE

Consent for initial placement into special education was documented for all initial placement students.

5. GENERAL SUPERVISION

(Statement of non-compliance from report of October 15th, 2003)

ARSD 24:05:29:03 Annual Notice of Rights, FERPA Regulation 99.6

A copy of the district's annual notice to parents regarding rights to inspect and review education records under the Family Education Rights and Privacy Act (FERPA) was not disseminated to all parents this past year. Interviews with administration indicated that they were not aware that this information must be disseminated to all parents annually.

Follow-up: January 25th, 2011

Findings: NONE

Annual notification of rights is placed in the local newspaper, district website, and family flyer and available at open house.

6. GENERAL SUPERVISION

(Statement of non-compliance from report of October 15th, 2003)

ARSD 24:05:24:04.03.Determination of Eligibility

Upon completing the administration of tests and other evaluation materials, the individual education program (IEP) team is to determine whether the student is a student with a disability and provide a copy of that determination to the parent. No documentation was found nor were appropriate signatures documented in student files to support the determination of a disabling condition except for students with a specific learning disability (SLD). Interviews with special education teachers indicated that they were recently made aware of this requirement, however; the district had not implemented procedures on how this would occur for all students in need of special education or special education and related services.

Follow-up: January 25th, 2011

Finding: NONE

Documentation of eligibility determination was present in all files reviewed.

7. GENERAL SUPERVISION

(Statement of non-compliance from report of October 15th, 2003)

ARSD 24:05:27:01.01 IEP Team.

The IEP team for each student with a disability must include appropriate members at the IEP meetings. In the files reviewed by the monitoring team, 4 out of 6 did not include a regular education teacher in the meeting. All six files were for students identified with a speech/language disability.

Follow-up: January 25th, 2011

Findings: NONE

A general education teacher was present for all IEP meetings.

8. GENERAL SUPERVISION

ARSD 24:05:30:05. Content of notice. The notice must include the following:

- (1) A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of any other options the IEP team considered and the reasons why those options were rejected;
- (2) A description of each evaluation procedure, assessment, record, or report that the district uses as a basis for the proposal or refusal;
- (3) A description of any other factors which are relevant to the district's proposal or refusal;
- (4) A statement that the parents of a child with a disability have protection under the procedural safeguards of this article and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and
- (5) Sources for parents to contact to obtain assistance in understanding the provisions of this article.

Finding:

Through a review of seven student records the prior written notice/consent for evaluation did not consistently provide parents with information regarding what evaluations/areas would be conducted to determine eligibility or continued eligibility. In some instances, areas to be evaluated were documented on the notice however the evaluations were not administered. In other cases, evaluation was conducted in areas without parent consent. When previous evaluations were intended to be used for determining eligibility, the prior notice did not specify the evaluation name/area of evaluation or date of evaluation to be pulled forward.

Corrective Action:

Data submitted for General Supervision #9 will be used to verify correction to this issue.

9. GENERAL SUPERVISION

(Statement of non-compliance from report of October 15th, 2003)

ARSD: 24:05:27:01.03 Content of individualized education program,

ARSD 24:05:28:02 Continuum of alternative Placements

The IEP must address the special education and related services to be provided, the amount and location of services. The IEP must also address the justification for placement. This statement must include an explanation of the extent, if any, to which the child will not participate with non-disabled children in the general classroom and in extracurricular and non-academic activities. In the speech/language files reviewed by the monitoring team, the IEP did not state the location of services nor did the student's justification statement on the IEP address the required content. For example, "General classroom with modification accepted by the team as least restrictive environment to make progress".

Follow-up: January 25th, 2011

Finding:

The following issues were noted as areas of concern in the content and development of student individual education program (IEP):

1. IEPs for students who are identified with social/behavior based disabilities (Emotional Disturbance, Autism, Other Health Impairment/ADHD) must include positive intervention strategies to address the behaviors that are impeding learning.
2. Special education and related services must include each specific service, the amount of specialized instruction required by the student and the location where instruction will occur. This configuration of service represents the districts commitment of service to the student.
3. The justification for placement must be documented using the accept/reject format and describe why the IEP team determined instruction could not occur in the regular classroom setting. This statement must describe the students "instructional needs" which are necessary and support the student's removal.

Programs designed to provide educational benefit:

4. Student # 6 - Reported on child count under the category of 550 (Speech/language). Meets eligibility criteria under the category of 570, developmental delay based upon the standard score of 70 in the area of fine motor. He is receiving services in the area articulation only. (To be reviewed during technical assistance)
5. Student # 4 – Reported on child count under the category of 550 (Speech/language). Services are provided in the area of articulation only. Question the validity of the evaluation due to possible limited English proficiency (colony child). Student met eligibility criteria under the category of 570, developmental delay however these areas of need were not addressed in the students' IEP. (Cognitive ss: 70 Communication: ss: 78). (To be reviewed during technical assistance)

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
<p>Activity/Procedure: The district will review its policy, procedure and practice regarding:</p> <ul style="list-style-type: none"> • Referral and informal review • Determination of needed evaluations per suspected category of disability • The completion of prior notice/consent for evaluations needed for the purpose of determining eligibility and meeting notice • Development of evaluation reports that must be provided to parents including administering and reporting functional assessment. The districts functional assessment report will include a list of specific skills the student has (strengths) and a list of specific skills the student will need to learn (weaknesses) for each skill area affected by the disability including transition. • Determining eligibility and completing the eligibility document • Developing an IEP that provides educational benefit <p>Data Collection: ***The district will receive technical assistance regarding these issues. The training date, provider and participants will be reported as part of the three month progress report.</p> <p>***Each special education teachers, ECH special education teacher and speech pathologist will submit for the following documents for <u>one student who has been initially evaluated or reevaluated following the receipt of technical assistance.</u></p> <ol style="list-style-type: none"> 1. Referral document (if applicable) 2. The prior notice/consent for evaluation 3. Copies of <u>all</u> the evaluation reports including skill bases and transition 4. Copy of the prior notice for the eligibility/IEP meeting, 5. Copy of the MDT/eligibility document and; 6. Copy of the IEP <p>Note: Documentation submitted must show evidence of correction to all General Supervision issues above. Additional data</p>	<p>January 15, 2012</p>	<p>Special Education Director and Staff</p>	

will be requested if needed. Documentation may be submitted intermittently as soon as it is available from each teacher.			
Team leader will review the documentation submitted and report progress at the 3, 6 and 9 month reporting periods.			

3 month Progress Report:

6 month Progress Report:

9 month Progress Report: